

Arun District Council

REPORT TO:	Economy Committee
SUBJECT:	Approach To Public Consultation
LEAD OFFICER:	Karl Roberts, Director of Growth & Joint Interim CEO
LEAD MEMBER:	Councillor Roger Nash, Chair Of Economy Committee
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: There are currently no corporate policies on public consultation.	
DIRECTORATE POLICY CONTEXT: The current practice is that public consultation on projects coming before the Economy Committee for decision is only undertaken after approval to do so has been provided by the Economy Committee.	
FINANCIAL SUMMARY: Public consultations take time and have a cost. There are however no direct financial implications resulting from this report.	

1. PURPOSE OF REPORT

- 1.1 To seek approval for an approach to determining when to undertake public consultation on proposed projects that come before Economy Committee for decision. Out of scope of this report is the form public consultations takes.

2. RECOMMENDATIONS

- 2.1 That Committee agrees to amend the format of the Economy Committee's work programme to include a statement on whether or not public consultation is proposed to take place in advance of an item's consideration by Economy Committee. In future by noting the work programme the committee will be approving the proposed approach to public consultation for the items on the work programme.

3. EXECUTIVE SUMMARY

- 3.1 It is recognised that it is beneficial to undertake public consultation on significant projects to listen to and learn from local people. Which projects should be subject to public consultation, and at what stage in the decision-making process depends on whether there is a statutory requirement to consult or an internal voluntary policy requirement to consult. Committee is asked to consider and agree a flexible approach to determining those projects on which non statutory public consultation should be undertaken prior to decision by the Economy Committee.

4. DETAIL

- 4.1 Economy Committee take decisions on whether to approve proposed projects. These projects vary in scale from relatively modest schemes affecting an individual small property to multi-million pound regeneration projects.
- 4.2 Some projects will not necessitate public consultation at any stage prior to any required planning permission. All larger scale projects will benefit from public consultation. There will be projects of a scale where the appropriateness of public consultation is more debateable.
- 4.3 As well as project scale, some project types and locations will be of greater public interest than others. The level of public interest or contention in a proposed project will not always be immediately apparent.
- 4.4 As well as on which projects public consultation should be undertaken there is the matter of when is optimal for such consultation to be undertaken.
- 4.5 Economy Committee will be asked to take decisions on projects at different stages. Unless additional resources are required to undertake the development of a proposal, officers may prepare detailed project proposals and present to the Economy Committee for decision on whether to issue all the approvals required to deliver the project, subject to any planning or other permissions needed.
- 4.6 On other projects the Economy Committee will be asked whether it approves resources being applied to the development of a detailed proposal. Larger and more complex projects may have multi-stage committee approvals.
- 4.7 Public consultation can be undertaken after Economy Committee have made a decision to do so. The advantages of this approach are that the Committee when taking a subsequent decision about whether to proceed with a project will have the benefit of the feedback from that consultation. Another feature of this approach is that the Committee has considered a proposed project before it is publicly consulted upon. The drawback of this approach is that it requires at least two committee decisions – the first to approve the public consultation, the subsequent decision to take the decision on the project, which takes more resources and slows decision making.

- 4.8 Alternatively public consultation can be undertaken on proposals ahead of consideration of the matter by the Economy Committee. This has the advantage that Economy Committee can make a final decision on whether a project proceeds with the benefit of the feedback from the public consultation which avoids delay and is a less resource intensive approach. It does however mean that proposed projects may be consulted on without the Committee having given their approval to do so.
- 4.9 The scale, location, and type of projects all impact upon the public interest and are considered too varied to be able to apply criteria to determine which proposals should be subject to public consultation and when.
- 4.10 The approach recommended is to state within the Committee's work programme, whether or not non statutory public consultation is proposed on a project prior to the report being presented to Economy Committee for consideration. The Economy Committee's work programme is included on the agenda of each meeting which gives its members the opportunity to consider whether they are comfortable with the proposed approach to public consultation for each item. The report specific approach to public consultation within the work programme would then be taken as approved by Economy Committee unless it takes an explicit contrary decision.
- 4.11 In summary which projects should be subject to public consultation (in addition to the planning process), and the timing of such public consultation are multi-factorial and debateable.
- 4.12 None of the above precludes early stakeholder engagement.

5. CONSULTATION

- 5.1 No external consultation has been undertaken in the preparation of this report.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Continue with the current approach which can cause delay.
- 6.2 Approve criteria determining which proposals require public consultation and its timing. There are many factors which determine what is suitable including scale, location, type of project proposed, historical context, the nature of the decision that is being taken by Committee etc. This approach is considered to complex and rigid to be practical.
- 6.3 Undertake public consultation on all proposals prior to decision by Economy Committee. This is inconsistent with Local Government Association guidance, can be a waste of time and resources, cause annoyance/consultation fatigue. A universal approach would cause delay to decision making which would restrict the Council's ability to deliver projects.

7. COMMENTS BY THE GROUP HEAD OF FINANCE AND SECTION 151 OFFICER

7.1 There are no direct financial implications arising from the proposals in this report.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 The proposed approach is considered to be more likely to ensure that matters where there is likely to be significant public interest are identified and consulted on early. This is expected to reduce the risk of Committee approving projects that prove unexpectedly contentious later.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 This report proposes an item- by- item approach to non-statutory consultation using the work programme as the trigger for considering in advance whether consultation will be required. This approach is consistent with central government consultation principles (2018) and the principle that consultation should have a purpose and not just for the sake of it. This approach also allows members to express their preference at an early stage. There are no other governance or legal implications.

10. HUMAN RESOURCES IMPACT

10.1 There are no direct implications.

11. HEALTH & SAFETY IMPACT

11.1 There are no direct implications.

12. PROPERTY & ESTATES IMPACT

12.1 There are no additional implications to those already addressed within the report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 There are no direct implications. The form that public consultations take is out of scope of this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 There are no direct implications.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 There are no direct implications.

16. HUMAN RIGHTS IMPACT

16.1 There are no direct implications.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 There are no direct implications.

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BACKGROUND DOCUMENTS:

[Understanding the views of residents | Local Government Association](#)